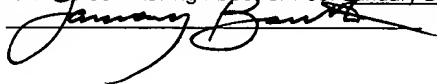


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 08/04/04

Typed Name of Person Mailing Paper or Fee: January Barrett

Signature: 



PATENT APPLICATION
ATTORNEY DOCKET NO. 1576.1000

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Carter, Jon

Confirmation No.: 8681

Application No.: 10/645,994

Examiner: Chukwurah, N.

Filing Date: 08/22/2003

Group Art Unit: 3721

Title: Tool for Driving Pins

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

Sir:

ELECTION/RESPONSE A

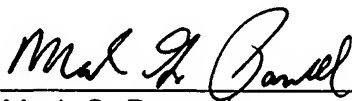
Responsive to the Examiner's election requirement dated, July 23, 2004, the Applicant elects to prosecute those claims embodied in Figures 1, and 3-8, with traverse.

Notwithstanding a traverse of the requirement for election, and pending the determination of allowability of the generic claim, Claim 1, Applicant elects to prosecute the invention that is the embodiment of Figures 1, and 3-8, comprising claims 1-5, 9-11, 13-14.

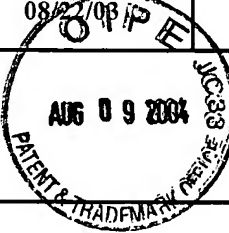
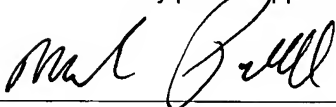
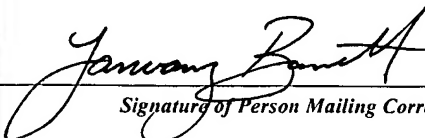
The requirement to elect one of two inventions, identified in the Office Action as the embodiment of Figures 1, and 3-8, or the embodiment of Figure 2 (comprising claims 6-8, 12, and 14-16), for prosecution on the merits is traversed. The Examiner's conclusion that these embodiments are patentably distinct species of the claimed invention is traversed specifically as it relates to the species with which Claim 12 is associated. The element of Claim 12, a *landscape pin magazine* (16) attached to the frame and configured to feed the landscape pin into the frame, as depicted in Figure 2 is capable of use together with the species embodied within Figures 1, and 3-8. The landscape pin magazine is merely an additional element of the elected species, and was depicted in Figure 2 solely for ease of illustration. If two patentably distinct species exist, they are more properly defined as species one, comprising claims 1-5, and 9-14, and species two, comprising claims 6-8, and 15-16, rather than as the embodiments of Figures 1, 3-8 and Figure 2 as suggested by Examiner.

Reconsideration of the requirement for restriction between the two embodiments, specifically concerning Claim 12 is respectfully requested. If such requirement is withdrawn, Applicant elects to prosecute the invention defined by claims 1-5, and 9-14. Further, should the generic claim presented in Claim 1 be allowed, Applicant requests that the claims, 6-8, and 14-16, relating to the second, non-elected, species be considered, as provided by 37 C.F.R. 1.141.

Respectfully submitted,
Jon Carter

By 
Mark G. Pannell
Reg. No. 40,761

Date August 3, 2004
(719) 260-7900

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. 1576.1000	
Applicant(s): Jon Carter					
Application No. 10/645,994	Filing Date 08/04/04	Examiner Chukwurah, N.	Customer No. 23649	Group Art Unit 3721	Confirmation No. 8681
Invention: Tool For Driving Pins					
					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	11 -	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____ <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ Signature			Dated: August 4, 2004		
cc:			I certify that this document and fee is being deposited on August 4, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  _____ Signature of Person Mailing Correspondence January Barrett _____ Typed or Printed Name of Person Mailing Correspondence		